# IN THE UNITED STATES DISTRICT COURT
## FOR THE SOUTHERN DISTRICT OF GEORGIA
### BRUNSWICK DIVISION

TERRANCE TOMLINSON,          :

      Petitioner,          :

vs.          :          CIVIL ACTION NO.: CV209-116

DEBORAH A. HICKEY,          :

      Respondent.          :

## ORDER

After an independent and *de novo* review, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Petitioner Terrance Tomlinson ("Tomlinson") asserts that he did not state any constitutional rights violations or classification concerns in his petition; rather, Tomlinson asserts, he states that the Bureau of Prisons' Program Statement 5100.09 was violated when he was placed outside the 500 mile radius of his release destination. Tomlinson contends that his Greater Security Management Variable expired on February 4, 2010 (which was after the filing of his petition). Tomlinson alleges that he only wants an order to return him back to his release destination so that he can participate in specialized or vocational training afforded in an institution within a 500 mile radius of his release. Tomlinson contends that the Court has jurisdiction to entertain his request under 28 U.S.C. § 2241, because his petition "deals with the boundaries contain[ed]" in the Bureau of Prisons' national policy.

As noted by the Magistrate Judge in his Report, Tomlinson's requested relief is not cognizable pursuant to section 2241. Additionally, the Bureau of Prisons has broad discretion in choosing where an inmate will be incarcerated. See 18 U.S.C. § 3621(b).

Tomlinson's Objections to the Magistrate Judge's Report and Recommendation are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Tomlinson's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DISMISSED** without prejudice. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

**SO ORDERED**, this 13 day of ___May___, 2010.

HONORABLE LISA GODBEY WOOD
UNITED STATES DISTRICT JUDGE